



de maximis, inc.

186 Center Street
Suite 290
Clinton, NJ 08809
(908) 735-9315
(908) 735-2132 FAX

February 13, 2009

VIA ELECTRONIC & US MAIL

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: *Monthly Progress Report No. 21 – January 2009*
*Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)*
*CERCLA Docket No. 02-2007-2009***

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- The CPG modeling team met on January 9 in Newark, New Jersey.
- A workshop to discuss Field Sampling Plan Volume 2 with EPA and the Partner Agencies was held on January 14 and 15.
- On January 30, CPG and EPA held a teleconference to discuss the RI/FS schedule.

Ms. A. Yeh
LPRSA RI/FS - Progress Report No.21 – January 2009
February 13, 2009
Page 2 of 4

Correspondence

- On January 15, CPG submitted the December 2008 monthly progress report to EPA.
- On January 22, CPG submitted a modeling progress update to EPA.
- On January 22, EPA sent QA/QC data associated with the CSO/SWO sampling program to CPG.
- On January 22, EPA provided comments on the draft RI/FS schedule to CPG.
- On January 30, CPG submitted the draft Human Health and Ecological Risk Assessment Streamlined 2009 Problem Formulation document to EPA.

Work

- CPG held several coordination calls with Deltares and Moffatt & Nichol regarding the review of existing data, potential collection of additional data, and modeling coordination with the RI/FS.
- Drafting of the Water Column – Physical Data Quality Assurance Project Plan (QAPP) continued. A conference call was held with the CPG modeling team to present a draft monitoring program and receive their feedback.
- Work was begun on the Post-storm Bathymetric Survey QAPP addendum. A conceptual approach was outlined to the CPG modeling team in anticipation of discussions with EPA regarding the design of the survey.
- CPG continued processing of the December 2008 Bathymetry Survey data.
- CPG prepared a summary of action items and agreements from the FSP2 workshop with the agencies on January 14 and 15.
- CPG completed the draft Human Health and Ecological Risk Assessment Streamlined 2009 Problem Formulation document.
- Data validation of Low Resolution Coring (LRC) sediment data continued. Laboratory data submission is ongoing, with data submittal completion projected to be by mid March.
- CPG continued work on revisions to the Draft Feasibility Study Work Plan.

(b) Results of Sampling and Tests

- Sampling data from December was provided to EPA in conjunction with the December monthly progress report. In addition, a Region 2 MEDD

Ms. A. Yeh
LPRSA RI/FS - Progress Report No.21 – January 2009
February 13, 2009
Page 3 of 4

submittal of data validated in December 2008 was uploaded to the PREmis web portal.

- PDFs of the lab data packages and copies of lab EDD files that were received in January 2009 are being provided to EPA under separate cover. A Region 2 MEDD submittal of data validated in January 2009 will be provided as an upload to the PREmis web portal.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue revising the Draft Feasibility Study Work Plan.
- CPG will continue to conduct a preliminary sediment remediation technology identification and screening process.
- CPG will continue the development of the QAPPs for biological tissue sampling, benthic invertebrate/mudflat sampling, bird community survey, and habitat survey.
- CPG will discuss with EPA the planning of a creel/angler survey.
- CPG will continue development of a QAPP for Physical Water Column Monitoring including secondary data review in anticipation of a May 2009 submission to EPA.
- CPG will continue preparation of a draft post-storm bathymetric survey QAPP addendum for submittal to EPA.
- CPG will continue validation and evaluation of LRC data.
- CPG will initiate review and evaluation of the December 2008 Bathymetry Survey data.
- CPG will initiate preparation of the LRC Site Characterization Report.
- CPG will initiate the preparation of the Preliminary Identification of Candidate Technologies (PICT) Memo.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

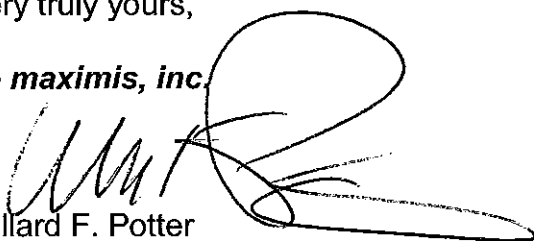
The CPG Modeling Team has not yet received the sediment transport numerical model from EPA. Based on conversations with EPA, the receipt of this model is now expected in late in the first quarter of CY 2009. Further delay of the receipt of this model will affect the schedule of the CPG modeling activities, as well as the potential completion date of the RI/FS.

Ms. A. Yeh
LPRSA RI/FS - Progress Report No.21 – January 2009
February 13, 2009
Page 4 of 4

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.



Willard F. Potter
Project Coordinator

cc: Sarah Flanagan, EPA Office of Regional Counsel
William Hyatt, CPG Coordinating Counsel
Lisa Baron, USACE
Tim Kubiak, USFWS
Reyhan Mehran, NOAA
Janine MacGregor, NJDEP
Elkins Green, NJDOT
Dave Nakles, AECOM